

RESOLUTION NO. 16-252

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING CHANGE ORDER #2 FOR SHORELINE FOUNDATION, INC. FOR REPAIRS AND IMPROVEMENTS AT ZERO DUVAL SEAWALL AND MALLORY SQUARE T-PIER, IN AN AMOUNT NOT TO EXCEED \$187,500.00 IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB 002-16; AUTHORIZING AN EMERGENCY PROCUREMENT FOR REPAIR OF THE MONOPILE BERTHING DOLPHIN AT MALLORY SQUARE T-PIER WITH FDOT GRANT FUNDS (25% CITY MATCH); AUTHORIZING NECESSARY BUDGET TRANSFERS/AMENDMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS, UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 16-112 the City awarded a bid to Shoreline Foundation, Inc. in response to Invitation to Bid #002-16 for Repairs and Improvements at Zero Duval Seawall and Mallory Square T-Pier; and

WHEREAS, the City additionally planned a FY 2017 project to repair the existing monopile berthing dolphin at the Mallory Square T-pier, and obtained a cost proposal for that project from Shoreline Foundation in the amount of \$187,500.00; and

WHEREAS, City staff obtained approval from FDOT to use surplus grant funds in the amount of \$140,625.00 originally allocated for ITB 002-16 towards the monopile berthing dolphin repairs (City providing funds through 25% match); and

WHEREAS, the prompt repair of the Mallory Dock T-Pier and berthing dolphin is necessary to ensure that cruise ships can continue to safely use the facility, and provide a significant source of revenue for the City; and

WHEREAS, the City Manager acted without delay, using emergency powers authorized under Section 2-797(2) of the City's Code of Ordinances, to authorize an emergency procurement in the total amount of \$187,500.00 to ensure that FDOT grant funds can be used to expeditiously repair the monopile berthing dolphin; and

WHEREAS, Section 2-797(2) of the City's Code of Ordinances requires the City Commission to ratify such emergency purchases at its next scheduled meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That Change Order No. 2, from Shoreline Foundation, Inc. for repairs to the existing monopile berthing dolphin at Mallory Dock as an additional component of the Repairs and Improvements at Zero Duval Seawall and the Mallory Square T-Pier project (Project EN1102/ITB 002-16), in an amount not to exceed \$187,500.00, is hereby approved.

Section 2: The City Commission, in accordance with Section 2-797(2) of the City of Key West Code of Ordinances, hereby ratifies an emergency procurement in the total amount of \$187,500.00 to Shoreline Foundation, Inc. for the repair of the monopile berthing dolphin at the Mallory Square Dock.

Section 3: That necessary budget amendments are hereby approved, including the use of Infrastructure Surtax Funding in an amount not to exceed \$46,875.00, as the City's 25% match for FDOT grant funds in an amount not to exceed \$140,625.00.

Section 4: That the City Manager is authorized to execute necessary documents for this Change Order and Emergency Procurement on behalf of the City of Key West, upon advice and consent of the City Attorney.

Section 5: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this 7th day of September, 2016.

Authenticated by the Presiding Officer and Clerk of the
Commission on 8th day of September, 2016.

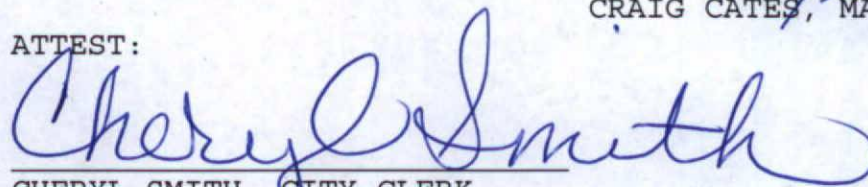
Filed with the Clerk on September 8, 2016.

Mayor Craig Cates	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Absent</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

TO: Jim Scholl, City Manager

FROM: Doug Bradshaw, Director Port and Marine Services
Jim Bouquet, P.E., Director of Engineering

CC: Greg Veliz, Asst. City Manager

DATE: Revised August 15, 2016

SUBJECT: Change Order #2 in the amount of \$187,500.00 to Shoreline Foundation, Inc. for Repairs and Improvements at Zero Duval and Mallory Square

ACTION STATEMENT:

Authorize the City Manager to execute Change Order #2 for construction of *Repairs and Improvements at Zero Duval Seawall and the Mallory Square T-Pier* in the amount of \$187,500 to Shoreline Foundation, Inc., pursuant to Sec. 2-797(2) Emergency Procurement, and provide for any necessary budget transfers/amendments.

BACKGROUND:

Shoreline Foundation, Inc. (Shoreline) was awarded Invitation to Bid (ITB) #002-16 by Resolution #16-112 for repairs at Zero Duval and the Mallory Square T-Pier. The City has received a grant from the Florida Department of Transportation (FDOT) in the amount of up to \$762,000 or 75% of the cost for the Mallory Square T-Pier portion. The City is required to provide a 25% match. Shorelines bid of \$562,775 for Mallory was significantly less than the grant award.

In addition to the Mallory Square T-Pier capital project, the City has a planned FY2017 project which will repair the existing monopile berthing dolphin at the pier. Based on initial estimates which included a partial replacement of the top of the monopile and replacement of the line handler platform, it was anticipated that the project would cost approximately \$75,000. However, after additional engineering inspection it was determined that the best course of action was to sleeve the existing monopile, replace the bollard, and replace the line handler platform.

The City contacted Shoreline and obtained a cost proposal for the monopile berthing dolphin work in an amount of \$187,500. Staff reviewed the proposal and determined the cost reasonable for the work required. The City then approached FDOT concerning the extra dollars available in the grant and requested the Mallory Square T-Pier scope be expanded to include the monopile repair. FDOT has approved the request and recommends the City Commission issue a change order to Shoreline Foundation, Inc. for the additional work in

Key to the Caribbean – Average yearly temperature 77° F.

repairing the monopile.

To facilitate timely issuance of this change order and subsequent use of FDOT grant funding for the work, staff is requesting City Commission approval of a Competitive Bidding Exemption. Pursuant to City Code Ordinance Subpart A, Chapter 2, Article VII, Division 3, Subdivision 2, Sec. 2-797 (2), Emergency Procurement, *the City Manager may make emergency procurement of commodities or contractual services where the cost exceeds \$20,000 when there exists a ... substantial loss to the City (i.e., FDOT grant funding) ... All Emergency Procurements in excess of \$20,000 shall be ratified by the City Commission...* Obtaining additional proposals from other contractors would be problematic given the marine specialty of the work and may delay implementation of the repairs. Delay in repairs has the potential to impact the use of the Mallory T-Pier to dock cruise ships, resulting in significant revenue loss to the City.

PURPOSE & JUSTIFICATION:

This project supports Goal #4 of the 2011 Key West Strategic Plan, specifically: *Long term sustainability of the City's hard assets.*

The monopile has installed approximately 20-years ago and is used frequently for the docking of cruise ships. The existing casing and bollard are showing signs of deterioration. The line handler platform has been repaired over the years, but has reached the end of its useful life and needs to be replaced. In order to continue to utilize the monopile for the safe docking of ships, it must be repaired.

The ability to accelerate the monopile repairs because of the grant dollars that will pay for the additional work that was not anticipated and the availability of the current contractor already on site is a great opportunity for the City. If the City had to bid the monopile repair project the cost would be higher as the City would have to pay for a contractor to mobilize to the site with a crane and barge and the opportunity to utilize the grant dollars may expire.

FINANCIAL IMPACT:

Change Order #2 will be funded by a combination of Infrastructure surtax funding and the FDOT grant. The grant will fund up to 75% of the work or \$140,625. The City will be responsible for 25% of the project or \$46,875. This is a significant savings over the original \$75,000 budget that was inadequate to complete the project.

RECOMMENDATION:

Staff recommends authorizing the City Manager to execute Change Order #2 for construction of *Repairs and Improvements at Zero Duval Seawall and the Mallory Square T-Pier* in the amount of \$187,500 to Shoreline Foundation, Inc., approving a Competitive Bidding Exemption to facilitate use of FDOT grant funds, and provide for any necessary budget transfers/amendments.



2781 S.W. 56th Avenue • Pembroke Park, Florida 33023
Phone: (954) 985-0460 • Fax: (954) 985-0462 • www.shorelinefoundation.com

July 29th 2016

Lewis Howell
Senior Construction Manager
Engineering Services
3126 Flagler St.
Key West FL 33041a

Re: Project No. EN-1002 Mallory Square and Zero Duval St.

Subject: **Change Order Request #02 – Rehabilitation of Mono Pile**

Mr. Howell:

Shoreline Foundation, Inc. (SFI) has evaluated the Mono Pile rehabilitation details sheet S-001 provided by CHMHILL dated July 7th 2016 along with the scope of work dated July 8th 2016. SFI proposes to provide the work as outlined in the listed project documents for a lump sum fee of **ONE HUNDRED EIGHTY SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100 (\$187,500.00).**

The additional cost of the bond is included in this proposal.

With no additional information nor review of any permits on the project SFI makes the following clarifications to the proposal,

- No permitting of any kind is included in our proposal.
- No dewatering permitting of any kind is included in our proposal. Nor being paid for.
- All inspection and testing of any kind will be paid by others, and are not accounted for nor being paid for by SFI as part of this proposal. This includes coating inspections, welding inspections on and off site, concrete testing.
- We assume we can spud a barge at the side of the mono pile, if additional diving is required to spot spudding additional dive crew time will be billed.
- Any additional work or requirements not specifically shown in the plans or scope sheet that become required will be billed at additional cost.
- The pricing of this work is based on SFI still being on site with our barge, no remobilizing of a barge is included in this proposal other than as stated below.

TIME REQUEST:

At this time, Shoreline Foundation Inc. (SFI) is requesting Ninety (90) additional days for this specific work activity from the time that approval to proceed is issued. Shoreline understands that the City wishes to have this operation completed by the end of November to accommodate the arrival of a cruise ship the first part of December 2016, while Shoreline cannot guarantee this date at this time SFI will agree to relocate the barge out of the way of the cruise ship arrival at no additional cost to the City in the event that the work is not yet completed. We would ask that the city provide a location that the barge could be spudded down at for the duration of the cruise ships docking.

Thank you for your consideration.

Respectfully Submitted
SHORELINE FOUNDATION, INC.

Kevin Land
Project Manager



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, FL 33172-5800

JIM BOXOLD
SECRETARY

July 26, 2016

Mr. Doug Bradshaw
Services Director
Port of Key West, City of Key West
P.O. Box 1409
Key West, Florida 33041-1409

RE: Port of Key West, City of Key West
Mallory Square T-Pier Project
FM No. 435035-1-94-01; Contract No. ARJ38
Request for concurrence

Dear Mr. Bradshaw:

The Intermodal Systems Development Office has reviewed the request to modify the existing scope to include mono-pile rehabilitation of Mallory Square T-Pier, on July 20, 2016 transmittals associated with the contract for construction of the Mallory Square T-Pier. The Department concurs to the following:

Rehabilitate the existing mono-pile mooring dolphin located between Pier A and Mallory Square. The work involves the complete removal of the existing bollard, service platform and supporting framing, along within the upper 12 inches. The existing coating on the pile is to be removed and new protective coating system applied. The mooring bollard is to be replaced, a new services platforms and access ladder is to be provided and installed; not allowing any debris, oils, solvent, water, tools, equipment or other materials to be introduced into the local waters.

Only expenses incurred on or after the date of our executed Joint Participation Agreement and otherwise eligible under the Agreement shall be reimbursable to Port of Key West, City of Key West.

Should you have any questions or need additional information please feel free to call me at (305) 470-5292.

Sincerely,

Dionne G. Richardson
Aviation/Seaport Program Administrator

CC: Teresita Alvarez, FDOT
Carolyn D. Sheldon, City of Key West

RESOLUTION NO. 16-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDING THE BID OF SHORELINE FOUNDATION, INC. FOR REPAIRS AND IMPROVEMENTS AT ZERO DUVAL SEAWALL AND MALLORY SQUARE T-PIER, IN AN AMOUNT NOT TO EXCEED \$1,418,469.00 IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB 002-16; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF KEY WEST IN SUBSTANTIAL CONFORMANCE WITH DOCUMENTS CONTAINED IN THE BID PACKAGE, UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; AUTHORIZING A WAIVER OF CODE OF ORDINANCES SECTION 2-845, TO AUTHORIZE THE CITY MANAGER TO ALLOCATE AN UNFORESEEN CONDITIONS ALLOWANCE AS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City issued Invitation to Bid #002-16 for Repairs and Improvements at Zero Duval Seawall and Mallory Square T-Pier and five firms submitted responses on March 2, 2016; and

WHEREAS, city staff reviewed the responses, and CH2MHILL, the design and permitting engineer of record for the project, recommended award of the bid to the lowest responsive bidder, Shoreline Foundation, Inc.; and

WHEREAS, included in the contract award is an Unforeseen Condition Allowance in the amount of \$125,000.00, and staff recommends the waiver of section 2-845 of the Code of Ordinances, to authorize the City Manager to allocate that Unforeseen Conditions Allowance as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the bid of Shoreline Foundation, Inc. for Repairs and Improvements at Zero Duval Seawall and the Mallory Square T-Pier, in an amount not to exceed \$1,418,469.00, in accordance with ITB No.002-16, is hereby awarded.

Section 2: That the City Manager is authorized to execute a contract in substantial conformance with documents contained in the bid package on behalf of the City of Key West, upon advice and consent of the City Attorney.

Section 3: That section 2-845 of the Code of Ordinances is hereby waived, to allow the City Manager to allocate an Unforeseen Conditions Allowance of up to \$125,000.00 as necessary.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

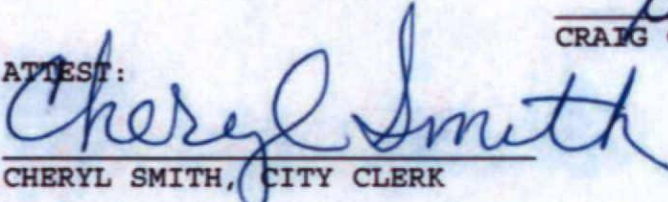
Passed and adopted by the City Commission at a meeting held
this 5th day of April, 2016.

Authenticated by the Presiding Officer and Clerk of the
Commission on 6th day of April, 2016.

Filed with the Clerk on April 6, 2016.

Mayor Craig Cates	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

ATTEST:


CHERYL SMITH, CITY CLERK


CRAIG CATES, MAYOR